THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.A.No.1014 of 2007

ORDER: (per **THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI)**

Heard the learned counsel for the parties.

An award was passed by the Labour Court-II, Hyderabad in favour of the appellant setting aside his punishment of removal from service and directing reinstatement with 50% back wages and also continuity of service. The respondent – Corporation filed writ petition being W.P.24660 of 1998. The learned Single Judge decided this writ petition on 22.8.2007. The operative portion of the judgment reads as under:

"On the aforesaid analysis, the award of the Labour Court to the extent of setting aside the punishment of removal from service and modifying it to one of reinstatement with attendant benefits in continuity, but 50% back wages is unsustainable and is accordingly set aside"

On the basis of the analysis it appears that the Corporation misunderstood the order of the Learned Single Judge and passed an order dated 7.11.2007. This order terminates the services of the appellant and for reasons it recorded that the Senior Law Officer, Head Quarters through reference 1st cited has informed that the writ petition came up for final hearing on 22.8.2007 and the same was allowed and the award passed by the Labour Court is set aside. Further, the S.L.O. requested to terminate the workman immediately.

We have quoted the operational part of the judgment hereinabove. What we understood from this order is that the

Learned Single Judge modified the order of the Laboour Court to the extent that 50% back wages could not be granted to him. The Learned Single Judge, however, upheld the order setting aside the punishment of removal from service. Therefore, the order passed by the respondents purporting to be in consequence of the order of this Court cannot be sustained.

We allow the writ appeal and direct that status quo ante shall be restored, but the appellant shall not be entitled to back wages at the rate of 50% as was directed by the Labour Court.

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BILAL NAZKI, ACJ

Date: 19.12.2007

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RAMESH RANGANATHAN, J

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